

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

V.

JAMES FLANNEL,

Defendant.

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) No. 4:18CR590 ERW
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MOTION TO CONTINUE SENTENCING HEARING

COMES NOW, James Flannel, by and through counsel, Michelle Monahan, Assistant Federal Public Defender, pursuant to the, 6th, 8th and 14th Amendments to the United States Constitution, and respectfully requests this Honorable Court to continue the sentencing hearing on May 21, 2021. In support of this motion, Counsel states the following:

1. Defendant Flannel entered a plea of guilty before the Court. Counsel continues to investigate mitigation evidence to present to the Court. Mr. Flannel is under indictment for additional federal charges and faces significant loss of liberty should he be convicted of these charges. These charges must be investigated further. Defense Counsel and the Government are in communication regarding a possible disposition of these charges.

2. Counsel requests additional time to prepare for the sentencing hearing. Due to the recent COVID-19 pandemic health restrictions, Counsel was unable to meet with Mr. Flannel in person to prepare for sentencing. Counsel does remain in video and telephone contact with Mr. Flannel.

3. A significant number of records relevant to 18 U.S.C. Section 3553(a) sentencing factors were requested and continue to be requested. These records document physical and mental abuse suffered by Mr. Flannel in his childhood and the affect this abuse has on Mr. Flannel's current mental state.

4. Additional expert evaluations of Mr. Flannel are ongoing and relevant to the Court's sentencing determination. These sentencing considerations specifically address the current psychological state of Mr. Flannel and his state at the time of the offense. This information will be provided to the US Probation Office to supplement the Disclosure Presentence Information Report as well as the Government.

5. Counsel is working as expeditiously as possible to resolve pending legal matters and prepare for the sentencing hearing. Counsel requests time to address additional legal charges Mr. Flannel faces prior to sentencing.

6. The investigation into mitigation on behalf of Mr. Flannel is ongoing. Said information will be shared with the Government and the U.S. Probation Office. Additional time is needed to determine the mitigating and aggravating factors to be presented to the Court.

7. The Government does not object to the request to continue the sentence hearing.

8. Mr. Flannel remains in federal custody and agrees to the request to continue. Mr. Flannel is in custody due to federal cases in addition to the above cause. Counsel communicated with Mr. Flannel via video conference with regard to this continuance request.

WHEREFORE, Defense counsel, for the above and foregoing reasons, respectfully requests this Court for an order continuing this matter from the present setting. If the Court is so inclined to grant this motion, counsel requests a continuance of the presently set May 21, 2021 date.

Respectfully submitted,

/s/ Michelle Monahan
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CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2021, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Thomas Rea, Assistant United States Attorney.

/s/ Michelle Monahan
MICHELLE MONAHAN